



NEW YORK CITY DEPARTMENT OF HEALTH
AND MENTAL HYGIENE
Mary T. Bassett, MD, MPH
Commissioner

FOR IMMEDIATE RELEASE
Thursday, June 28, 2018
(347) 396-4177

**STATEMENTS FROM HEALTH COMMISSIONER DR. MARY T. BASSETT AND CORPORATION
COUNSEL CHIEF OF APPEALS RICHARD DEARING ON N.Y. COURT OF APPEALS
UPHOLDING MANDATED FLU VACCINES FOR DAYCARE AND PRESCHOOL CHILDREN**

Health Commissioner Dr. Mary T. Bassett, said: “This is a great win for New York City children. We are very pleased this unanimous decision has recognized the Board of Health’s mandate to protect the health of young children. Vaccines save lives and are an effective public health tool to prevent the spread of disease. The severity of this past influenza season reminds us of how deadly influenza can be. The influenza vaccine is the best protection against seasonal influenza for everyone. Children who receive the influenza vaccine are less likely to get sick, less likely to need medical attention and less likely to die from influenza. This decision will help us protect more than 150,000 children in City-regulated day cares and preschools across the city.”

Richard Dearing, Chief of the Appeals Division of the NYC Law Department, said: “We are pleased with this unanimous decision, which recognizes the ‘very direct connection’ between the Board’s flu vaccine rule and ‘the preservation of health and safety,’ and agreed that the rule is ‘squarely within’ with the Board’s delegated powers and consistent with state law.”

Background

- In December 2013, the New York City Board of Health adopted amendments requiring children aged 6 months to 5 years attending childcare and school-based prekindergarten programs receive an annual influenza vaccination by December 31st each year. The requirement was for families to show proof of children receiving one dose of influenza vaccine by December 31 of each year.
- The mandate goes into effect immediately. More than 150,000 children in City-regulated day cares and preschools are required to receive an annual influenza vaccination by December 31, 2018. The Health Department will be educating child care providers about the requirement.
- During the 2017-18 influenza season, 172 children in the United States died from influenza-related complications, exceeding the number for the 2012-13 season which previously set the record for the highest number of influenza-related deaths in children (excluding pandemics).
- During the 2017-18 season, there were five pediatric deaths in New York City. The range in New York City since 2004 has been 0 to 8.
- While flu vaccine can vary in how well it works each season, a CDC study published in 2017 showed that flu vaccination can be life-saving for children. The study, which looked at data from four flu seasons between 2010 and 2014, found that flu vaccination reduced the risk of flu-associated death by half (51 percent) among children with underlying high-risk medical conditions and by nearly two-thirds (65 percent) among otherwise healthy children.

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MEDIA CONTACT: (347) 396-4177
PressOffice@health.nyc.gov